



09-22-05

1F3743

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Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/872,135	
	Filing Date	May 31, 2001	
	First Named Inventor	Yoe	
	Group Art Unit	3743	
	Examiner Name	Camtu T. Nguyen	
Total Number of Pages in This Submission (excluding references)	6	Attorney Docket No.	50623.168

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Deposit Account Authorization 07-1850	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Postage Paid Return Postcard	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Supplemental Response to Office Action (1 page) <input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Affidavits/declaration(s): Declaration Under 37 CFR § 1.131 signed in counterparts (4 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Petition for Extension of Time (___ month) (in duplicate)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Submission of Formal Drawings (in duplicate)
<input type="checkbox"/> Amendment Transmittal Letter (in duplicate)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement (in duplicate) with Form PTO-1449 (pgs) enclosing References	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Express Mail Label No. EV 721 157 334 US	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Certificate of Mailing		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Mark Lupkowski, Reg. No. 49,010
Signature	
Date	September 20, 2005

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:			
Typed or printed name	Yayoi Barrack		
Signature		Date	September 20, 2005

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50623.00168

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Camtu Tran Nguyen

Yoe et al.

Serial No.: 09/872,135

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Delivery Source With Activity Gradient To Minimize Edge Effects

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TO OFFICE ACTION

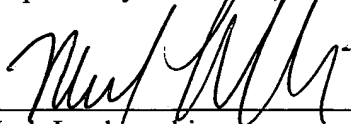
Dear Examiner Nguyen:

The enclosed executed Declarations under 37 CFR § 1.131 address the Office Action mailed on December 29, 2004 for the above-mentioned application. An unexecuted Declaration was filed with the response filed on June 28, 2005. If I can be of any help, please contact me.

The undersigned authorizes any fees that may be required, or credit of any overpayment to be made to Deposit Account No. 07-1850.

Date: September 20, 2005
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 954-0297
Facsimile (415) 393-9887

Respectfully submitted,


Mark Lupkowski
Attorney for Applicants
Reg. No. 49,010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoe et al.



Examiner: Camtu Tran Nguyen

Serial No.: 09/872,153

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Source With Activity Gradient To Minimize Edge Effects

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

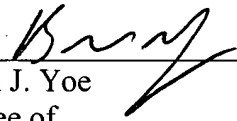
DECLARATION UNDER 37 CFR § 1.131

We, Brandon J. Yoe and Arthur Au, declare as follows:

1. Prior to April 12, 2001, we conceived of or invented the subject matter of the claims in the application identified above.
2. We have attached a redacted copy of an invention disclosure form showing the subject matter of the invention. As can be seen, this selection of pages shows conception of the invention prior to April 12, 2001.
3. The subject matter of the invention was reduced to practice in a diligent manner, as at least shown by the constructive reduction to practice of the invention merely forty-nine (49) days after the filing date of the Hossainy et al. reference (USPN 6,764,505). In particular, the filing date of the Hossainy et al. reference was April 12, 2001, while the filing date of the current application was May 31, 2001.
4. We further declare that all statements made herein of our own knowledge are true and that all statements made upon information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed in California on this 22nd day of August, 2005.

By: 
Brandon J. Yoe
Employee of
Advanced Cardiovascular Systems, Inc.

Executed in California on this _____ day of August, 2005.

By: _____
Arthur Au
Former Employee of
Advanced Cardiovascular Systems, Inc.

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111-3492
Telephone (415) 954-0323
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoe et al.



Examiner: Camtu Tran Nguyen

Serial No.: 09/872,135

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Source With Activity Gradient To Minimize Edge Effects

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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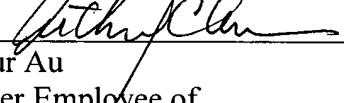
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Executed in California on this _____ day of August, 2005.

By: _____
Brandon J. Yoe
Employee of
Advanced Cardiovascular Systems, Inc.

Executed in California on this 15th day of August, 2005.

By:  _____
Arthur Au
Former Employee of
Advanced Cardiovascular Systems, Inc.

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